

May 23, 2016

SUBMITTED VIA ELECTRONIC FORM ON EPA REGION I WEB SITE

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Regional Freedom of Information Officer
U.S. EPA, Region I (OARM01-6)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:

The Conservation Law Foundation ("CLF") hereby requests the records described below pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 *et seq.* CLF requests disclosure of all requested records below including any and all nonexempt portions of records that are otherwise determined to be exempt from review under the FOIA pursuant to 5 U.S.C. § 552(b). *Wightman v. Bureau of Alcohol, Tobacco & Firearms*, 755 F.2d 979, 983 (1st Cir. 1985).

Records Requested

CLF requests EPA provide the following:

1. Any and all EPA Administrator-approved submittals of State of Vermont Nonpoint Source Management Program Plan(s), pursuant to 33 U.S.C. § 1329(b)(1), CWA § 319(b)(1), within the past ten years as of the date of this request;
2. All records concerning any EPA Administrator annual determination of the State of Vermont's "satisfactory progress" towards achieving milestones in the state's Nonpoint Source Management Program Plan, pursuant to 33 U.S.C. § 1329(h)(8), CWA § 319(h)(8), for the past ten years as of the date of this request;
3. All records concerning any EPA Administrator approval or disapproval of Vermont Gubernatorial designations made under 33 U.S.C. § 1288(a)(2), CWA § 208(a)(2), to identify areas within the state with substantial water quality control problems; **and**

4. All records concerning any plans submitted to the EPA Administrator under 33 U.S.C. §1288(b)(1), CWA § 208(b)(1), relating to areawide waste treatment management areas in the State of Vermont.

CLF believes that these records reside either with the Office of the Regional Administrator or the Office of Ecosystem Protection, although additional branches may possess records responsive to this request. If possible, please provide this information in electronic format. CLF looks forward to a response and determination from your office within twenty working days of receipt of this request consistent with 5 U.S.C. § 552(a)(6) and 40 C.F.R. § 2.104. If this request is denied in whole or in part, CLF is entitled to receive, at a minimum, (1) a detailed index/list of the records withheld, including the name of the record, the subject of the record, the author of the record, and the date of the record; and (2) EPA's basis for withholding the records. *Church of Scientology Int'l v. U.S. Dep't of Justice*, 30 F.3d 224, 228 (1st Cir. 1994); *Vaughn v. Rosen*, 484 F.2d 820, 823-28 (D.C. Cir. 1973), *cert. denied* 415 U.S. 977 (1974).

Fee Waiver Request

Additionally, because CLF works on behalf of the public interest and this FOIA request is made in furtherance of the public interest, CLF requests a waiver of any and all fees associated with the disclosure of records pursuant to this request. The FOIA and EPA's regulations provide that records will be furnished at reduced or no charge when disclosure "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. §552(a)(4)(A)(iii); 40 C.F.R. §2.107(l).

CLF is a nonprofit, member-supported legal and policy advocacy organization which employs advocates with expertise in many fields, including the Clean Water Act and protection of water resources. Across five New England states, CLF employs approximately twenty advocates with advanced professional degrees and experience in law, economics, resource management, and science. As described above, CLF has played a critical role in the preservation and enhancement of water quality in Vermont and New England as a whole, and has been a leader in addressing the environmental problems posed by water pollutant emissions.

Plans developed by states pursuant to the Clean Water Act and subject to the review and/or approval of EPA, and communications making reference to those plans, contain important information about water quality in water bodies essential to the health and economy of local communities. CLF seeks the requested documents because they will assist our staff to describe and explain to the public at large the legal and technical aspects of actions the Clean Water Act requires EPA and the State of Vermont to undertake to protect water quality.



CLF routinely communicates with the public through media, by providing comments at public hearings, speaking at conferences and to community groups, and preparing information summaries and communications materials to educate the public about the health and environmental impacts of degraded water quality. CLF also uses its blog (<http://www.clf.org/blog/>), to disseminate editorial content created by many of CLF's experienced attorneys and advocates on important topics in environment, energy, and public health. Through these and other avenues, CLF will use the information from the requested documents to further its mission to educate the people of Vermont about the threats to their health and the environment and the legal mechanisms available to address those threats.

Upon receiving the requested documents, CLF will be able to review the information, communicate with decision-makers and the public about the nonpoint source pollution problems in Vermont, and more fully evaluate aspects of the water quality plan review and approval process, as well as the federal water quality funding process.

CLF has no commercial interest whatsoever that will be furthered by this disclosure. CLF is a tax-exempt 501(c)(3) corporation, has no parent corporation, and is not a corporation in which any person or entity owns stock. CLF will not derive income or other benefits from use of the requested information. Consequently, a fee waiver is appropriate under FOIA and EPA regulations.

CLF reserves the right to appeal a decision to withhold any information or to deny a waiver of fees. I look forward to your response to this Request within twenty (20) business days of receipt, in accordance with 40 C.F.R. § 2.104(a).

Thank you very much for your assistance with this request. Should you have any questions about this request, please contact me by phone at 802-223-5992 or by email at emihaly@clf.org.

Sincerely,

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